REMARKS

This amendment is responsive to the Office Action dated December 27, 2002. Claims 1-67 remain pending in the Application. Claims 1-27, 29-41, 43-47 and 49-67 stand rejected by the Examiner. Claims 28, 42 and 48 are objected to. Claims 7, 17, 50 and 67 have been amended herein. Applicants traverse the rejections of claims 1-67.

Allowable Subject Matter

Applicants sincerely thank the Examiner for indicating that claims 28, 42 and 48 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the arguments and amendments made herein, Applicants believe that all of the pending claims are in condition for allowance without rewriting claims 28, 42 and 48.

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claims 17, 50 and 67 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants has amended these claims in the manner suggested by the Office Action. Accordingly, Applicants respectfully submit that these rejections are traversed.

Claim Rejections - 35 U.S.C. § 103

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,692,107 to Simoudis et al. ("Simoudis") in view of U.S. Patent No. 5,832,450 to Myers et al. ("Myers"). This rejection is traversed.

Claim 1 recites in combination with its other limitations that a "model repository includes one or more index structures containing a plurality of attributes associated with the data models." In claim 1, the data models are generated by a data mining application and may include such data mining analyses as:

> "The model contains information regarding the specification used for the run, including the name and location of the data set in the data warehouse that was analyzed, and also contains the resulting analysis, including any patterns [(i.e., determined via the pattern-finding algorithms)] that may have been detected in the data. The model may also contain information regarding how well the pattern represents the analyzed data." (See Applicants' specification, page 3, lines 9-13).

The Office Action maintains "Myers teaches indexing a computerized repository by the attributes associated with its stored data models ..." (See Office Action, page 5). Applicants respectfully disagree. The Myers reference does not disclose, teach or suggest data models being indexed and retrieved. For example, the Myers reference involves a significantly different model than what is recited in claim 1. The Myers reference discusses using an **"object-oriented database model"** to more easily store medical record information. (See the Myers reference, column 6, lines 14-29). The object-oriented database model of Myers shows how medical record information can be stored and indexed, but the object-oriented database model itself is not indexed and is not the item that is retrieved (as in the case of the predictive data models recited in claim 1).

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Moreover, the Myers reference uses only a **single** object-oriented database model. There are no multiple database models that the user would need to search and then select. In this respect, the Myers reference is directed to a significantly different problem than Applicants' claimed invention. In other words, Applicants' invention allows the management of a "multitude of data models" that are generated from a data mining application as well as allow others who are unfamiliar with the data models to determine "which models are available, and which ones are useful." (See Applicants' specification, page 4, lines 10-11). The Myers reference does not provide a searching mechanism to determine which object-oriented database model is relevant because Myers is dealing with only a single object-oriented database model.

Because of these significant differences, claim 1 is allowable over the cited references. With claim 1 being allowable, its dependent claims 2-30 are also allowable.

With reference to independent claim 31, claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Simoudis in view of Myers and further in view of U.S. Patent No. 6,263,337 to Fayyad et al. ("Fayyad"). This rejection is traversed. Claim 31 recites in combination with its other limitations "generating an index of the data models stored in the model repository wherein the index is based upon a plurality of attributes associated with the data models in the model repository." As discussed above for claim 1, the Myers reference does not disclose generation of an index for the data models from data mining applications. Accordingly, claim 31 is allowable as well as its dependent claims 32-40.

With reference to independent claims 45 and 46, claims 45 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Simoudis in view of Myers. These

rejections are traversed. Claims 45 and 46 recite in combination with their respective

other limitations a searchable index for attributes of data models. As discussed above for

claim 1, the Myers reference does not disclose generation of an index for the data models.

Accordingly, claims 45 and 46 and their respective dependent claims are also allowable.

Lastly, it is noted that Applicants respectfully disagree with other positions in the

Office Action, such as but not limited to the official notice taken on page 6 of the Office

Action in reference to claim 6. Therein, official notice was posited regarding that "it is

common practice in the art to incorporate a graphical user interface into a software

application for use on a computer system." (See Office Action, page 6). The motivation

cited for combining the official notice and the Simoudis reference was stated as "this is

common practice in the art." (See Office Action, page 6). Applicants submit that this is

improper motivation to combine because this comprises only a bald assertion without

adequate support. It is improper to determine the invention obvious using a "bald

assertion that 'substitution of one type of [component] for another in the system of [the

prior art] would have been within the skill of the art,' [. . . without offering] any support

for or explanation of this conclusion." In re Fine, 837 F.2d 1071, 1074 (Fed. Cir. 1988).

Applicants respectfully submit that even *assuming arguendo* that use of a graphical user

interface is common practice, such use being a common practice does not provide by

itself proper support for motivation to combine as there are many common practices. The

Court of Appeals for the Federal Circuit has often said that "obvious to try" different

practices is not the proper test to apply in analyzing prior art under § 103:

> "In some cases, what would have been 'obvious to try' would have
> been to vary all parameters or try each of numerous possible
> choices until one possibly arrived at a successful result, where the
> prior art gave no indication of which parameters were critical or no

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direction as to which of many possible choices is likely to be successful. [. . .] In others, what was 'obvious to try' was to explore a new technology or general approach that seemed to be a promising field of experimentation, where the prior art gave only general guidance as to the particular form of the claimed invention or how to achieve it."

In re O'Forrell, 853 F.2d 894, 903 (Fed. Cir. 1988).

While a common practice may possibly establish itself as prior art, it cannot serve as proper support as motivation to combine with other references. For similar reasons, Applicants disagree with the use of the "Kirsch" reference (U.S. Patent No. 5,845,278) as part of a § 103 rejection for claim 7. (See Office Action, page 11). The Kirsch reference is not relevant prior art. "The relevant art 'is defined by the nature of the problem confronting the would-be inventor'." Ryko Mfg. Co. v. Nu-Star, Inc., 950 F.2d 714, 716 (Fed. Cir. 1991). The Kirsch reference is directed to handling documents, such as journal articles from the "Dialog" database. (See, the Kirsch reference, column 2, line 6). Journal articles do not contain the statistical predictive capability that the data models of claim 7 has. The problems dealing with documents and how to index them (as discussed in Kirsch) are significantly different than dealing with indexing, storing and determining which statistical predictive data model is relevant as recited in claim 7. Accordingly, the Kirsch reference is not relevant prior art. Claim 7 has been amended to more clearly distinguish over the non-predictive type of documents handled by the Kirsch reference. Because the other cited references do not disclose, teach or suggest determining which of the data models is the most relevant model, claim 7 is allowable over the cited references.

CONCLUSION

For the foregoing reasons, Applicant respectfully submits that claims 1- 67 are

allowable. Therefore, the Examiner is respectfully requested to pass this case to issue.

Respectfully submitted,

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John V. Biernacki
Reg. No. 40,511
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-3939